

11/16/01
jc7132 U.S. PTO

PENNIE & EDMONDS LLP DOCKET NO. 4821-438-999

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior application: Examiner W. JARVIS
Art Unit 1614

Assistant Commissioner for Patents
Box PATENT APPLICATION
Washington, D.C. 20231

jc714 U.S. PTO
09/987930
11/16/01

Sir:

This is a request for filing a divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/510,241 filed on February 22, 2000.

Thomas P. Jerussi, John R. McCullough, Chrisantha H. Senanayake, and Qun K. Fang
(inventor(s) currently of record in prior application)

for BUPROPION METABOLITES AND METHODS OF THEIR SYNTHESIS AND USE
(title of invention)

1. Please cancel in this application the original claims 20-38 of the prior application, before calculating the filing fees.

PATENT APPLICATION FEE VALUE

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	37	-20	17	\$18.00 each	\$ 306.00
Independent	9	-3	6	\$84.00 each	\$ 504.00
				Basic Fee	\$ 740.00
				Multiple Dependency Fee If Applicable (\$280.00)	\$ 0.00
				Total	\$1,550.00
					\$ 0.00
				Total Filing Fee	\$1,550.00

- 50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern
2. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.
3. Amend the specification by inserting before the first line the following sentence: This is a division of Application No. 09/510,241, filed February 22, 2000 which claims benefit of Provisional Application No. 60/122,277, filed March 1, 1999 and Provisional Application No. 60/148,324, filed on August 11, 1999, each of which is incorporated herein by reference.

- 4a. New formal drawings are enclosed.
- 4b. Informal drawings are enclosed.
- 5a. Priority of application nos. 60/122,277, filed March 1, 1999 and 60/148,424, filed on August 11, 1999 is claimed under 35 U.S.C. §119.
- 5b. The certified copy has been filed in prior application no. , filed .
6. The prior application is assigned of record to SEPRACOR, INC.
- 7a. A copy of the Power of Attorney filed in the prior application no. 09/510,241, filed February 22, 2000 is enclosed.
- 7b. A Power of Attorney is enclosed.
8. This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no., filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed.
9. The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .
10. DO NOT PUBLISH. I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).
11. Copy of parent application no. 09/510,241, Preliminary Amendment, and Information Disclosure Statement.

Respectfully submitted,

48,907

Dean L. Fanelli

(Reg. No.)

For: Anthony M. Insogna (Reg. No. 35,203)

PENNIE & EDMONDS LLP
 1667 K Street, N.W.
 Washington, D.C. 20006
 (202) 496-4400

Please type a plus (+) inside this box -

PTO/SB/29 (12/97)

Approved for use through 09/30/00. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	4821-438-999	Total Pages	42
<i>First Named Inventor or Application Identifier</i>			
Thomas P. Jerussi			
Express Mail Label No.			N/A

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form
Submit an original, and a duplicate for fee processing
2. Specification [Total Pages 40]
(preferred arrangement set forth below)
- Descriptive title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R&D
 - Reference to Microfiche Appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings *(if filed)*
 - Detailed Description of the Invention (including drawings, *if filed*)
 - Claim(s)
 - Abstract of the Disclosure
3. Drawing(s) (35 USC 113) [Total Sheets 0]
4. Oath or Declaration [Total Sheets 2]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 17 completed)
[Note Box 5 below]
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).
5. Incorporation By Reference *(useable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:
 Divisional of prior application No: 09/510,241 filed February 22, 2000.

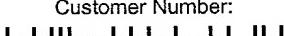
Assistant Commissioner for Patents
ADDRESS TO: Box Patent Application
Washington, DC 20231

6. Microfiche Computer Program *(Appendix)*
7. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. Computer Readable Copy
 - b. Paper Copy *(identical to computer copy)*
 - c. Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

8. Assignment Papers *(cover sheet & document(s))*
9. 37 CFR 3.73(b) Statement Power of Attorney *(when there is an assignee)*
10. English Translation Document *(if applicable)*
11. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
12. Preliminary Amendment
13. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
14. Applicant claims Small Entity status, see 37 C.F.R. § 1.27
15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. Other:

Customer Number:



20582
(Insert Customer No. or Attach bar code label here)

or Correspondence address below

NAME			
ADDRESS			
CITY	STATE	ZIP CODE	
COUNTRY	TELEPHONE		FAX

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.